

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-29 remain pending in this application.

Claim Rejections under 35 U.S.C. § 103

Claims 1-6, 10, 11, and 20-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,400,940 (“Sennett”) in view of U.S. Patent No. 6,769,915 (“Murgia”). Claims 7-9 and 12-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sennett in view of Murgia and further in view of U.S. Patent 6,208,877 (“Henry, Jr.”). In response, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2143, which states that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation in the prior art to modify the reference. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all the claim limitations.

Applicants submit that Sennett, Murgia and Henry, Jr., alone or in combination do not disclose each and every limitation of independent claims 1, 12, 14 and 20. Claim 1 is directed to a communication system for providing user assistance to an owner of a communication device. Claim 12 is directed to a method for providing user assistance to an owner of a communication device. Claim 14 is directed to a communication terminal for providing user assistance to an owner of a communication device. Finally, claim 20 is directed to a communication device configured to receive user assistance from a communication terminal.

As recited in the above-mentioned claims, the communication terminal has access to a database that stores operator instructions for performing functions with the communication device. The operator instructions are prescribed user input actions to be performed on the communication device. Upon user request, the communication terminal is configured to transmit these operator instructions to the communication device. Further, the communication terminal comprises a means to enable comparison of, data representing actual user input actions, performed following output of the data representing the operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked. Accordingly, the comparison means compares the actual user input actions with invocation instruction data after the correct operator instructions have been output to the user. As claimed, invocation instruction data are instructions for invoking at least one function of the communication device.

In contrast, the combination of Sennett, Murgia and Henry, Jr. do not disclose each and every element of independent claims 1, 12, 14 and 20. Sennett discloses a customized user line guide where a subscriber requests help via a terminal device and subsequently is provided with help information. (*See* Col. 2, line 67- Col. 3, line 12.) The Office Action acknowledges that Sennett does not disclose, teach or suggest a “means to compare, or to enable comparison of, data representing actual user input actions, performed following output of the data representing the operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked.” To cure the deficiencies of Sennett, the Office Action incorrectly relies on Murgia.

Murgia discloses a user-interactive behavioral modification system. (*See* Col. 3, line 63.) Murgia discloses a system where first, personal data is input by a user and then feedback is provided in response to the personal data. (*See* Col. 3, lines 65 – Col. 4, line 2.) The feedback provided to the user is determined by a predetermined set of behavioral pattern rules or algorithms. The feedback itself is the appearance of a character. (*See* Col. 4, line 13.)

Applicants respectfully submit that Murgia does not disclose comparing user input actions with invocation instruction data. “The identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,

1236 (Fed. Cir. 1989). Here, Murgia's predetermined set of behavioral patterns are not invocation instruction data as claimed in claims 1, 12, 14 and 20. Murgia's predetermined set of behavioral patterns assist the user in reducing the incidence of undesired user behavior like smoking. (See Col. 5, lines 33-38.). In contrast, the claimed invocation instruction data are instructions for invoking at least one function of the communication device. In addition, the claimed invention determines "if the at least one function of the communication device has been invoked," whereas the end result of Murgia is the appearance of a character for encouraging a user to perform a desired user behavior. (See Col. 4, lines 10-13.)

Further, Murgia does not explicitly disclose that the user input is compared with other data. Even if, assuming *arguendo*, Murgia makes some comparison, the comparison does not occur "following output of the data representing the operator instructions" as claimed.

Thus, for at least the reasons set forth above, Murgia fails to cure the deficiencies of Sennett because it does not disclose, teach or suggest means to compare, or to enable comparison of, data representing actual user input actions, performed following output of the data representing the operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked. Further, Henry, Jr. fails to cure the deficiencies of Sennett or Murgia. Accordingly, Applicants respectfully requests that the rejection be withdrawn and independent claims 1, 12, 14 and 16 be allowed.

In addition, claims 2-10, 11-13, 15-19 and 21-29 depend from one of independent claims 1, 12, 14 or 20 and are therefore allowable for the reasons set forth above without regards to further patentable limitations contained therein. Accordingly, Applicants respectfully request reconsideration of claims 1-29 and that the claims be allowed.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

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